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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

VIA TELEFAX AND  
REGULAR MAIL

REPLY TO THE ATTENTION OF

January 25, 1999

James Bulman  
Environmental Strategies Corporation  
11911 Freedom Drive  
Reston, VA 20190

Dear Mr. Bulman:

The U.S. Environmental Protection Agency (EPA), the City of Chicago, and Technical Outreach Services for Communities (TOSC) have reviewed the December 11, 1998 "Draft Remedial Design/Remedial Action Work Plan", and associated attachments, for the Dutch Boy Site-Chicago, Illinois (the Site), and the EPA hereby approves this document. Accordingly, the 100 Percent Design (or Final Work Plan) is due to EPA by February 24, 1999. In order to produce an approvable 100 Percent Design, the comments listed below as "major comments" must be addressed in the 100 Percent Design. The comments listed as "minor comments" should be considered when producing the 100 Percent Design but will not be necessary for approval of said document.

MAJOR COMMENTS

RD/RA Work Plan-

1. Page 2, Last Full Paragraph, third sentence- regarding underground storage tanks (USTs), the City of Chicago believes that these tanks are subject to removal as required by applicable regulations. First, it is the City's understanding that operations at the Site continued up to 1980. Unless National Lead can demonstrate that the USTs were not used (i.e. did not store product) since 1974, the USTs are subject to removal in accordance with Title 35 of the Illinois Administrative Code, Subtitle G, Part 732. The Illinois EPA disposed of liquids, solids, and sludges from the tanks in 1986; therefore, the subject USTs were not empty as of 1974. This comment carries through to all other relevant sections of the Work Plan and associated documents.
2. Page 9, first sentence- insert the word "planned" between "of" and "execution" in the parenthetical phrase.
3. Pages 12 and 13, Section 3.2.2- analytical results should be the basis for whether or not to excavate soils around the tanks. The cleanup of the soil to appropriate standards (TACO 35 III

Admin. Code 742) should be specifically stated in this section of the Work Plan. Visible evidence is not sufficient to prove the absence of a release.

4. Pages 13 and 14, Section 3.3- it appears that NL is proposing to leave approximately 50 cubic yards of debris on-site (total volume of debris pile is 850 cubic yards, and only 800 yards to be removed). If this is the case, NL should demonstrate that the 50 cubic yards to be left onsite meets the definition of "clean fill" in the Illinois Environmental Protection Act. Only if the material meets such definition should NL be permitted to use the material onsite during site activities. If the material does not meet the statutory definition of "clean fill", then the material must be disposed of offsite.

Additionally, NL may need to provide a NESHAP notification to the Illinois EPA Bureau of Air. Two of four samples NL collected from the debris pile contained greater than one percent asbestos. Illinois EPA has historically required a NESHAP notification, as well as a work plan prepared by an asbestos designer in such situations. This must be pursued by NL and appropriate action, if any, taken prior to removal of the debris piles.

5. Page 14, Section 3.4, last sentence- Although the intent of this statement is clear, soil remediation should not be held up if excessive delays occur in the removal of USTs and/or the debris piles. This sentence should read: "Unless significant delays are encountered during the removal of the USTs and/or the debris pile, soil remediation will not begin until the underground storage tanks and debris piles have been removed from the Site." This comment should be carried through to all other relevant portions of the Work Plan and associated attachments.

6. Page 14, last sentence- this sentence should be rewritten as follows: "Following removal of the soils shown on Sheet 4 of the Drawings, a sampling program will be conducted to verify that the lead concentration remaining in the unexcavated soils is less than 1400 ppm." This comment should also be carried through to all other relevant portions of the documents, including page 15, line 15 (replace "the required average" with "1400 ppm lead"), page 16, line 18 (delete "average"), and, if applicable, Appendix D-"Cost Estimate", line 5A. Additionally, the text of the documents should be amended to reflect that soils with a lead concentration exceeding 1400 ppm in the parkway area (area between the fence perimeter and the street) will be removed as part of this action.

Although the Unilateral Administrative Order (UAO) for the Site indicates that 1400 ppm is the relevant cleanup level for the site, as an average concentration, EPA has since learned that it is neither customary nor appropriate to apply an industrial cleanup level in such a manner. The 1400 ppm cleanup level for this Site must be applied as a not-to-exceed level in order to be protective. If this interpretation poses a problem for NL, EPA would be glad to modify the UAO accordingly. In no circumstance should any such modification, if requested by NL, result in any delay in the implementation of the cleanup of unpaved, on-site soils.

7. Page 17, Section 3.4.3- the following sentence is added at the end of this section: "A

vegetative cover will be established upon completion of backfilling.”

8. Page 19- a new section, Section 3.6.4 Vegetative Cover should be added to detail the maintenance activities to be undertaken for the vegetative cover.

#### Specifications-

9. Section 01560, Page 1, subsection 1.3A.- the following sentence is added to the end of this subsection: “No visible emissions of dust will be allowed in the work area.”

10. Section 015650, Page 3, subsection 3.2A.- the following bullet point is added to this subsection: “- No visible dust emissions will be allowed in the work area. If VEs are observed, the work will be ceased until the situation can be corrected (i.e. eliminate the visible emissions).”

#### Drawings-

11. Sheet 4- the excavation depths listed on this sheet should be based on 1400 ppm lead as a not-to-exceed cleanup level. No change is needed if this is the case; otherwise, the depths should be changed accordingly.

#### General-

12. Maintenance and Access Agreement- As NL is not the current owner of the property, NL is not in the position of being able to place any deed restrictions on this property. The City objects to any deed restriction being placed on this property other than limiting the use of the property to industrial or commercial use. Nor is NL able to guarantee continued maintenance of the property. At a minimum, NL will need a Site Access Agreement from the City to access this property. While the City will use its own locks to secure the Site, the City is willing to work with NL to provide it with reasonable access to complete its cleanup of the property. EPA recommends that the City, EPA, and NL meet at their earliest convenience to discuss this matter.

13. The former mill building has materials that are described as sediments. These had lead levels that exceed 25,000 ppm. How will those sediments be addressed? What is planned for the “mill building shell”? Will it be demolished?

#### MINOR COMMENTS

#### Work Plan-

1. Page 1, line 8- “1996” should be inserted for “1998”.
2. Page 10, bottom- is linseed oil a petroleum product?

3. Page 13, Second Full Paragraph- PCBs should be added to the list of analytes.
4. Page 14, top- the "non-friable" ACM should be described (e.g. pipe, shingles, brake shoes, etc.)
5. Page 14, Section 3.4- 0.75 mg/l does not appear to be the correct limit. The limit of 5.0 mg/l is applied for lead to determine toxicity via leaching. If 0.75 mg/l is to be used, an explanation should be provided.
6. Page 15, Second Paragraph- X-Ray Fluorescence should be considered as an initial screening tool to determine vertical extent of excavation.
7. Page 19, Section 3.6.3, fourth sentence- insert "and repaired, and cracks less than 1 inch wide and 2 inches deep will be" between "noted" and "and".
8. Appendix D- costs should be included in Appendix D for paving of existing cracks and breaches and O&M for the paved areas and vegetated areas, all as separate line item costs.

Additionally, the comments of the City of Chicago and TOSC are enclosed. Minor comments are circled on these enclosures, and any comment marked as "N.A." can be disregarded.

Please contact me at your earliest convenience if you need to discuss any of these comments, especially the major comments. EPA, TOSC, and the City of Chicago would like to resolve these issues prior to the dissemination of the 100 Percent Design for comment. I can be reached at (312) 886-4742.

Sincerely,



Brad Bradley  
On-Scene Coordinator

Enclosures

cc: Renante Marante, City of Chicago  
Diane Lickfelt/Kirk Reilly, TOSC  
Tony Davenport, MP/VH Advisory Council

Enclosure 1



City of Chicago  
Richard M. Daley, Mayor

Department of Environment

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**VIA FACSIMILE and US MAIL**

January 19, 1999

Mr. Brad Bradley  
U.S. EPA, Region V  
77 West Jackson Boulevard, SR - J6  
Chicago, IL 60604

RE: National Lead Industry Remedial Design/Remedial Action Work Plan -  
City of Chicago's comments

Dear Mr. Bradley:

The City of Chicago's Department of Environment (DOE) has reviewed National Lead Industry Inc.'s (NL) Remedial Design/Remedial Action Work Plan (Work Plan) for the Dutch Boy site (12000 to 12054 South Peoria Street). The following are DOE's comments and concerns:

**Asphalt Cap Placement** - As you are already aware, DOE objects to NL's proposal to leave on site contaminated soil currently under paved areas. DOE's objection is, essentially, threefold. First, the pavement on the site is cracked and broken and does not provide a suitable engineered barrier to prevent contaminated material from being released into the environment presently or in the future. Second, since NL does not own the site, it is not in a position to guarantee that any cap will be retained or adequately maintained in the future. Third, placing a cap over so large a portion of the property will virtually assure that the property will not be productively redeveloped and put back on the tax rolls.

Further, NL has not provided costs for cap placement, continued maintenance of the site, sampling, nuisance control and vegetation of fill areas. NL should be required to provide costs for these items as part of its Work Plan.

**Underground Storage (UST) Tank Removal** - NL has proposed to remove all USTs at the site if required by applicable regulations. NL contends that the USTs at the site may not require removal as the USTs either contained non-regulated substances (linseed oil) or are subject to grandfather provisions (presumably pre 1974 tanks).

DOE believes that the USTs are subject to removal as required by applicable regulations. First, it is DOE's understanding that operations at the site continued up to 1980. Unless, National Lead can demonstrate that the USTs were not used (i.e. did not store product) since 1974, the USTs are subject to removal in accordance with Title 35 of the Illinois Administrative Code (Ill. Admin. Code), Subtitle G, Part 732. IEPA disposed of liquids, solids, and sludges from the tanks in 1986; therefore, the subject USTs were not empty as of 1974.

NEIGHBORHOODS



**Closure of Tanks** - Section 3.2.3 of the Work Plan states that NL will report releases and conduct response actions in accordance with Ill. Admin. Code 35, Subtitle G, Part 732. NL should also be required to follow through with the release incident all the way to regulatory closure of the incident.

**Petroleum Impacted Soils** - NL Work Plan reports the presence of petroleum impacted soil in the vicinity of the underground storage tanks. Will NL address this as part of the underground storage tank closure activities? If so, then the clean-up of the soil to appropriate standards (TACO 35 Ill Admin.. Code 742) should be specifically stated under Section 3.0 of the Work Plan - Description of Remedial Action . If not, then NL should be required to demonstrate that the petroleum impacted soil is not a threat to human health and the environment. Further, DOE would like an explanation as to the source of the petroleum contaminated soil given NL's assertions that the USTs contained linseed oil and presumably did not leak.

**Debris Pile Removal** - It is DOE's understanding that the debris piles onsite contains approximately 850 cubic yards of material including some asbestos-containing material (ACM). NL proposes to remove 800 cubic yards offsite to a permitted construction landfill, leaving 50 cubic yards onsite. DOE has two concerns regarding this task:

First, NL should be required to demonstrate that the 50 cubic yards to be left onsite meets the definition of "clean fill" in the Illinois Environmental Protection Act. Only if the material meets such definition of "clean fill" should NL be permitted to use the material onsite during their site activities. If the material does not meet the statutory definition of "clean fill," then the material should be removed as waste by NL.

Second, DOE believes that NL will have to provide a NESHAP notification to the IEPA Bureau of Air. Two of the four samples NL collected from the debris piles contained greater than 1 percent asbestos. IEPA has historically required a NESHAP notification, as well as a work plan prepared by an asbestos designer, from DOE on the handling and disposal of similar types of material (construction /demolition debris containing non-friable ACM) as the integrity of the ACM cannot be certain given its exposure to the demolition process and weathering.

**Excavation Plan** - NL proposes to remove the asphalt cover on the southeast and northwest corner of the site. NL plans to dispose of the asphalt along with the debris pile. The asphalt debris should be rinsed to ensure that no lead contaminated soil is removed with the debris.

Further, the source and quality of any backfill material should be subject to review and approval of DOE.

**Excavation Sampling Plan** - NL proposes a sampling program which will verify that: (1) the

average lead concentration remaining is less than 1,400 mg/kg; and (2) there are no samples with more than 2,800 mg/kg lead. DOE objects to this sampling tactic. The 1400 mg/kg set forth in the Risk Management Plan is already many times above TACO's Tier I standards for lead. NL has already agreed to remove all soils in the unpaved area with concentrations greater than 1400 mg/kg. NL should not be allowed to leave contaminated soils at levels up to twice the threshold level presented in the Risk Management Plan. Further, all samples should be composite samples.

- NL must ensure that no RCRA hazardous waste is left behind. TACO does not allow any free product or hazardous material to be left behind, even under an engineered barrier. Therefore, NL should be required to perform TCLP testing for lead for each confirmation sample.
- Finally, DOE would like further clarification of NL's confirmation sampling protocol. NL indicated that confirmation samples will be collected at the base of the excavations only, at a frequency of 1 per 1,000 square feet. How will NL define the extent of contamination in some areas without the collection of sidewall samples, particularly if the contamination extends into an adjacent 1,000 foot area having shallower walls?

**Soil Stabilization Area** - First, NL should be aware that the pug mill stabilization system will require an Installation Permit from the DOE prior to its mobilization and use at the site. Second, as the existing concrete surface is not impermeable in its current state, NL should be required to place plastic sheeting underneath each contaminated soil stockpile.

**Nuisance Control** - In addition to dust and noise control contained in the Technical Specifications, NL should be required to control the offsite tracking of mud by trucks. NL should be required to implement an onsite tire washing program and sweep the adjacent streets with a street sweeper as necessary during daily site operations.

**Air Monitoring Program** - To ensure the protection of the surrounding community and to address community concerns, NL should be required to implement an air monitoring program during site activities. Such air monitoring program should consist of "real time" air monitoring for particulates and the collection and analysis of air samples for lead around the site perimeter.

**Post Construction Erosion Control** - To control dust and soil erosion at the site, NL should be required to vegetate unpaved areas after the completion of the clean-up activities.

**Maintenance and Access Agreement** - As NL is not the current owner of the property, NL is not in the position of being able to place any deed restrictions on the property. The City objects to any deed restriction being placed on this property other than limiting the use of the property to industrial or commercial use. Nor is NL able to guarantee continued maintenance of the property. At a minimum, NL will need a Site Access Agreement from the City to access the property. While the City will use its own locks to secure the site, the City is willing to

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January 19, 1999  
Page 4

work with NL to provide it with reasonable access to complete its cleanup of the property.

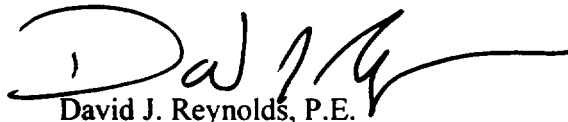
**Schedules** - NL indicated that soil remediation (excavation, onsite stabilization, and off site disposal) will not begin until the USTs and debris piles have been removed from the site. However, the schedule provided in Appendix E of the Work Plan has the site remediation activity (excavation) beginning only after the completion of the debris pile removal. DOE would request that NL provide clarification on its intention.

**Removal of Soils in the Parkway Area** - Historical sampling of the soils in the parkway areas (area between the fence perimeter and the street) have detected elevated levels of lead, some determined to be RCRA hazardous waste. Removal of lead-contaminated soils in these areas should be covered under this work plan as well.

**Cost Estimate** - The word "Concrete" in item 4a and 4b in the provided cost estimate should be replaced with the word "Asphalt."

Should you have any questions about these comments or require additional information from the City, please feel free to contact Renante Marante (742-0123). Thank you for your consideration.

Very truly yours,



David J. Reynolds, P.E.  
Deputy Commissioner, Brownfields Division

cc: Jennifer Muss, Mayor's Office  
George Theophilos, Law Department  
Tony Davenport, VH/MP Advisory Council



## Enclosure 2



### Technical Review of Workplan

#### Dutch Boy Site, Chicago, IL



At the request of the Maple Park/Victory Heights Advisory Council, the TOSC program at Michigan State University has reviewed the "60% Workplan" for the Dutch Boy site, Chicago, IL. The Workplan, dated December 11, 1998, was prepared by Environmental Strategies Corporation and includes a Remedial Design/Remedial Action Work Plan, a Health and Safety Plan and Diagrams of the proposed remedial work. The TOSC Review was conducted by Dr. Susan Masten, Project Director and Associate Professor of Environmental Engineering and Kirk Riley, TOSC Program Coordinator.

#### Comments on Dutch Boy Draft Remedial Design/Remedial Action Work Plan

1. P.11, ¶1: Why is it deemed acceptable to leave two of the small tanks in place, especially if they contained regulated substances?

2. P.12, ¶1: Are the residual vapors pumped to the atmosphere? Is there an air permit required for this purging?

3. P. 13, ¶3: TOSC suggests use of PID to search for contaminated soils instead of relying on "visible evidence." Why not use results of sampling and analysis in deciding whether to backfill? ("If samples come back clean...")

4. P.13, ¶4: Why wait 24 hours for notification of the state agency if a release has occurred? TOSC recommends that notification be more prompt than that which is required.

5. P.14, ¶1: If soils that contain more than 0.75 mg/L lead as measured in TCLP extract must be stabilized prior to disposal, how can material from debris pile with TCLP lead of up to 3 mg/L be disposed of in a "construction debris landfill"? TOSC suggests that the "safety factor" of the lower TCLP number that is applied to the soils also be applied to the debris pile.

6. P.14 (bottom): Is the lead concentration of 2,800 mg/kg based on a regulatory standard?

7. P.15, ¶1, Line 6: The writer states that the "depths below existing grade [are] indicated on Sheet 3 of the Drawings." We were not able to find that information on Sheet 3.

8. P. 15, ¶2: TOSC recommends that one sample be taken every 400 sq. ft., instead of every 1000 sq. ft., because of the variability shown for lead in the *Draft Extent of*

*Contamination* report. Doing so would have the additional benefit of targeting the subsequent excavation at the most-contaminated areas and possibly reducing the amount excavated.

9. P.15, ¶2 (continued): TOSC is unclear as to the basis for the decision not to collect side wall samples "due to the impracticability of excavating beneath the building slabs." It is our understanding that most of the property is not covered by or directly adjacent to buildings, and thus we recommend that side wall sampling be conducted.
10. P.15, ¶3: TOSC suggests that if the lead TCLP is less than 0.75 mg/L, that at least one other sample be collected analyzed in another area of the soil being stabilized. We make this recommendation because of the significant heterogeneity of the soil and to reduce the likelihood of contaminated soil being sent to a Subtitle D landfill.

**Items 11-16 refer to the Field Demonstration**

11. Because the full-scale process will be designed based upon a limited field demonstration, it is critical that the quality of the data generated in the demonstration be as great as possible. Therefore, we suggest that at least three representative samples be collected and analyzed.
12. To ensure the durability of the stabilized material, TOSC recommends that the following tests be conducted (on both the demonstration and full-scale activities):
- Potential effects of weathering: ASTM D4843
  - Freeze-thaw resistance: ASTM D4842
  - Unconfined compressive strength: ASTM D1633
13. P.16: More details on the field demonstration should be provided. What reagent, range of mix ratios, and mixing procedures are to be used?
14. P.17, ¶1: On what materials do they propose to measure pH and specific conductance? It is our understanding that those parameters cannot be measured on stabilized material.
15. The on-site soil has significantly greater concentrations of lead than 1,400 mg/kg. TOSC recommends that the demonstration use soil with much greater levels than "average total lead concentrations greater than 1,400 mg/kg." Our reasoning is that if the demonstration is successful in stabilizing the "hot" soils, the full-scale process can be reasonably expected to work for the less-contaminated soils.
16. P.16, ¶4: The equation shown is incorrect. Entering values yields negative numbers. The formula also uses weights to calculate a volume increase without considering the densities of the materials. A correct equation for percent volume increase would be:

$$B = \frac{V_1 - V_2}{V_1} \times 100$$

Where:  $V_1$  = Volume after  
 $V_2$  = Volume before  
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17. P.18, ¶4: The maximum time frame for repairing fencing and carrying out other activities to secure the site needs to be stated.

18. P.19, ¶3: How often will the asphalt cover be inspected? What is the schedule for repair of the cap if it is found to be in poor condition?

19. **Important Issue:** The former mill building has materials that are described as sediments. These had lead levels that exceed 25,000 mg/kg. How will those sediments be addressed. What is planned for the "mill building shell"? Will it be demolished?

#### Comments on Health and Safety Plan, Dutch Boy Site

The Health and Safety Plan lacks sufficient measures to protect the health of citizens during the remedial work.

- The Plan does not ensure that trucks carrying contaminated material do not drive through residential areas or past the nearby Edward White Elementary School.
- The Plan does not provide for air monitoring at the periphery of the site to ensure that citizens are protected from airborne contaminants.
- The Plan does not require that trucks be covered before leaving the site, nor that trucks be washed down.

The Health and Safety Plan lacks adequate protective measures to ensure that workers do not transport lead dust from the site. In particular, the plan should require that workers take showers as part of the decontamination procedures.



## **Technical Review of Workplan**

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City of Chicago  
Richard M. Daley, Mayor  
Department of Environment

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U.S. EPA, Region V  
77 West Jackson Boulevard, SR - J6  
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DOE believes that the USTs are subject to removal as required by applicable regulations. First, it is DOE's understanding that operations at the site continued up to 1980. Unless, National Lead can demonstrate that the USTs were not used (i.e. did not store product) since 1974, the USTs are subject to removal in accordance with Title 35 of the Illinois Administrative Code (Ill. Admin.Code), Subtitle G, Part 732. IEPA disposed of liquids, solids, and sludges from the tanks in 1986; therefore, the subject USTs were not empty as of 1974.



**Closure of Tanks** - Section 3.2.3 of the Work Plan states that NL will report releases and conduct response actions in accordance with Ill. Admin. Code 35, Subtitle G, Part 732. NL should also be required to follow through with the release incident all the way to regulatory closure of the incident.

**Petroleum Impacted Soils** - NL Work Plan reports the presence of petroleum impacted soil in the vicinity of the underground storage tanks. Will NL address this as part of the underground storage tank closure activities? If so, then the clean-up of the soil to appropriate standards (TACO 35 Ill Admin.. Code 742) should be specifically stated under Section 3.0 of the Work Plan - Description of Remedial Action . If not, then NL should be required to demonstrate that the petroleum impacted soil is not a threat to human health and the environment. Further, DOE would like an explanation as to the source of the petroleum contaminated soil given NL's assertions that the USTs contained linseed oil and presumably did not leak.

**Debris Pile Removal** - It is DOE's understanding that the debris piles onsite contains approximately 850 cubic yards of material including some asbestos-containing material (ACM). NL proposes to remove 800 cubic yards offsite to a permitted construction landfill, leaving 50 cubic yards onsite. DOE has two concerns regarding this task:

First, NL should be required to demonstrate that the 50 cubic yards to be left onsite meets the definition of "clean fill" in the Illinois Environmental Protection Act. Only if the material meets such definition of "clean fill" should NL be permitted to use the material onsite during their site activities. If the material does not meet the statutory definition of "clean fill," then the material should be removed as waste by NL.

Second, DOE believes that NL will have to provide a NESHAP notification to the IEPA Bureau of Air. Two of the four samples NL collected from the debris piles contained greater than 1 percent asbestos. IEPA has historically required a NESHAP notification, as well as a work plan prepared by an asbestos designer, from DOE on the handling and disposal of similar types of material (construction /demolition debris containing non-friable ACM) as the integrity of the ACM cannot be certain given its exposure to the demolition process and weathering.

**Excavation Plan** - NL proposes to remove the asphalt cover on the southeast and northwest corner of the site. NL plans to dispose of the asphalt along with the debris pile. The asphalt debris should be rinsed to ensure that no lead contaminated soil is removed with the debris.

Further, the source and quality of any backfill material should be subject to review and approval of DOE.

**Excavation Sampling Plan** - NL proposes a sampling program which will verify that: (1) the



average lead concentration remaining is less than 1,400 mg/kg; and (2) there are no samples with more than 2,800 mg/kg lead. DOE objects to this sampling tactic. The 1400 mg/kg set forth in the Risk Management Plan is already many times above TACO's Tier I standards for lead. NL has already agreed to remove all soils in the unpaved area with concentrations greater than 1400 mg/kg. NL should not be allowed to leave contaminated soils at levels up to twice the threshold level presented in the Risk Management Plan. Further, all samples should be composite samples.

NL must ensure that no RCRA hazardous waste is left behind. TACO does not allow any free product or hazardous material to be left behind, even under an engineered barrier. Therefore, NL should be required to perform TCLP testing for lead for each confirmation sample.

Finally, DOE would like further clarification of NL's confirmation sampling protocol. NL indicated that confirmation samples will be collected at the base of the excavations only, at a frequency of 1 per 1,000 square feet. How will NL define the extent of contamination in some areas without the collection of sidewall samples, particularly if the contamination extends into an adjacent 1,000 foot area having shallower walls?

**Soil Stabilization Area** - First, NL should be aware that the pug mill stabilization system will require an Installation Permit from the DOE prior to its mobilization and use at the site. Second, as the existing concrete surface is not impermeable in its current state, NL should be required to place plastic sheeting underneath each contaminated soil stockpile.

**Nuisance Control** - In addition to dust and noise control contained in the Technical Specifications, NL should be required to control the offsite tracking of mud by trucks. NL should be required to implement an onsite tire washing program and sweep the adjacent streets with a street sweeper as necessary during daily site operations.

**Air Monitoring Program** - To ensure the protection of the surrounding community and to address community concerns, NL should be required to implement an air monitoring program during site activities. Such air monitoring program should consist of "real time" air monitoring for particulates and the collection and analysis of air samples for lead around the site perimeter.

**Post Construction Erosion Control** - To control dust and soil erosion at the site, NL should be required to vegetate unpaved areas after the completion of the clean-up activities.

**Maintenance and Access Agreement** - As NL is not the current owner of the property, NL is not in the position of being able to place any deed restrictions on the property. The City objects to any deed restriction being placed on this property other than limiting the use of the property to industrial or commercial use. Nor is NL able to guarantee continued maintenance of the property. At a minimum, NL will need a Site Access Agreement from the City to access the property. While the City will use its own locks to secure the site, the City is willing to

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work with NL to provide it with reasonable access to complete its cleanup of the property.

**Schedules** - NL indicated that soil remediation (excavation, onsite stabilization, and off site disposal) will not begin until the USTs and debris piles have been removed from the site. However, the schedule provided in Appendix E of the Work Plan has the site remediation activity (excavation) beginning only after the completion of the debris pile removal. DOE would request that NL provide clarification on its intention.

**Removal of Soils in the Parkway Area** - Historical sampling of the soils in the parkway areas (area between the fence perimeter and the street) have detected elevated levels of lead, some determined to be RCRA hazardous waste. Removal of lead-contaminated soils in these areas should be covered under this work plan as well.

**Cost Estimate** - The word "Concrete" in item 4a and 4b in the provided cost estimate should be replaced with the word "Asphalt."

Should you have any questions about these comments or require additional information from the City, please feel free to contact Renante Marante (742-0123). Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Reynolds', with a long horizontal flourish extending to the right.

David J. Reynolds, P.E.  
Deputy Commissioner, Brownfields Division

cc: Jennifer Muss, Mayor's Office  
George Theophilos, Law Department  
Tony Davenport, VH/MP Advisory Council